

AGENDA
TEXCOM MEETING
Trusts and Estates Section
State Bar of California
Friday May 2-Sunday May 4, 2008
TENAYA LODGE, YOSEMITE



(NOTE: Following the last page of this agenda, a site map has been included that will show you exactly where our meetings/functions will take place.)

Thursday, May 1 – Evening

Although we have no formal activities scheduled Thursday, a number of members will be arriving by late afternoon. Richard Ehrman's cabin in Wawona Village is fifteen minutes from the Lodge, in Wawona, on the Chilnualna Falls Road, and he has offered to host a barbecue. The chair will be the social host: notify Peter by email (psfern1939@aol.com) or phone (650-326-2282) by Wednesday 6 pm if you would like to join Richard and others Thursday in the 6-7:30 timeslot for an impromptu dinner, how many in your party, and what your preferences are (steak, burgers, fish, chicken). Peter will coordinate with Richard regarding attendees and eats. The Wawona store is on the way to Richard's for late arrivees who want to grab something and drop in. Richard's phone number is (209) 375-6224.

Friday May 2 - Breakfast 9:30

Meeting: 10 am - Noon

Salon 1 Room

Breakfast Mini-Meetings:

Educating Seniors [SALLUS]

(Any others: Committee chairs are invited to set up a meeting by using the Workroom or just calling members)

Friday May 2 Pre-Meeting 10 am – Noon

Salon 1 Room

WORKROOM REFRESHER COURSE:

Susan Orloff will steer us through a number of Workroom topics, including:

1. HOW TO SET MEETINGS
2. HOW TO UPLOAD MATERIALS
3. HOW TO MOVE MATERIALS
4. NOTIFICATION SETTINGS
5. UPDATING YOUR PROFILE
6. ATTACHING DOCUMENTS TO MESSAGES

*(Let Susan know in advance of topics you'd like her to discuss,
Or just bring you questions/thoughts to the meeting!)*

Friday Lunch, Noon to 1:00 pm

Pavilion Terrace

Lunch Mini-Meetings:

Conservatorship working group [COREY, STERN]

(For a new approach to Prob. Code 2574)

Friday, May 2 – 1:00 pm to 5:00 pm
First Working Session
Salon Room 1

I. WELCOME, INTRODUCTIONS, AND REPORTS OF CHAIR/VICE CHAIR AND ADMINISTRATOR (25 minutes)

- | | |
|--|----------|
| A. Welcome | [Stern] |
| B. Approval of Minutes of March 15 Meeting | [Stern] |
| C. Report of Chair (10 min)— Bylaw Amendment | [Stern] |
| D. Report of Vice Chair (10 min) | |
| Finance and Budget – Financial Report; | |
| Travel Reimbursement Update | [Tong] |
| Tentative TEXCOM Calendar, 2008-9 | [Tong] |
| E. Report of Section Administrator | [Orloff] |

COMMITTEE, TASK FORCE AND LIAISON REPORTS

II. LEGISLATION (60 minutes) [COREY-REGGIARDO]

- A. Timeline for TEXCOM legislative proposals—
- B. Priorities for Bills Presently in Legislature
- C. Mandatory procedures re legislative proposal format
- D. Mandatory procedures re position papers format
- E. Online Bill Tracking legislative information:
 www.leginfo.ca.gov/ [GO TO THIS SITE FOR TEXTS OF ANY BILLS
 THAT HAVE NOT BEEN UPLOADED TO THE AGENDA PACKET]
 CapitalTrack sites (See Legislation Committee Workroom Folder)

IMPORTANT GUIDELINES:

- Please use approved format for legislative proposals.
- Please use approved comment form for legislation comments.
- Always write to Saul Bercovitch, not directly to a member of legislature or legislative staff.
- Contact our lobbyist Ray LeBov for hands on assistance in Sacramento
- Confirm testimony needs with Legislation Chair.
 - If you agree to testify, be there unless otherwise notified.

Bills, by Subcommittee:

- (1) Trust-Estate Administration
 - a. SB 1315 (Harman-Nonprobate transfers-SPOT BILL)
 Recommendation: Follow [LAWSON]
 - b. SB 1421 (Harman-Trust admin-Inc. and Principal) [BURGER]
 Recommendation: [none—to discuss]
 - c. AB 2642 (Niello-Unclaimed Property)
 Recommendation: Follow [SCHENONE]
 - d. SB 1319 (Machado-Unclaimed Property)
 Recommendation: Follow [SCHENONE]

(2) CLRC:

- a. AB 250 (DeVore-TOD)—Final report
- b. SB 1264 (Harman—Wills and Trusts—NO CONTEST)
Recommendation: SUPPORT IF AMENDED [HORTON]

(3) Estate Planning

- a. AB 1528 (Wyland-Prenuptial Agreements) [SCHROTH]
- b. AB 2149 (Berg-Investment Advisors)
Recommendation: Follow [HOWARD]
- c. AB 2248 (Spitzer-Formal Will Witness Requirements-Harmless Error)
TEXCOM BILL: Support [REGGIARDO]
- d. AB 2452 (Davis-Notaries-Fees and Educational Requirements)
Recommendation: Follow [EHRMAN]
- e. SB 685 (Yee-Pet Trust Legislation) [SCHENONE]
Recommendation: Support if Amended]
- f. SB 1066 (Migden-Domestic Partnerships) [SCHROTH]
Recommendation: Follow
- g. SB 1396 (Cox-Recording Fees) [EHRMAN]
Recommendation: Follow
- h. AB 3000 (Wolk-Health Care Decisions) [SCHENONE]

(4) Incapacity

- a. AB 2947 (Eng-Elder and Dependent Adult Abuse; Waiver of Rights—Arbitration) [COREY]
- b. SB 573 and AB 367 Annuity standards [COREY]
- c. SB 1140 (Steinberg-Financial Abuse) [COREY]
- d. SB 1259 (Margett-Crimes against elders and dependent adults) [LODISE]
- e. AB 171 (Beall-restraining orders)
Recommendation: Follow [LEE]
- f. AB 225 (Beall—TROs, elder abuse)
Recommendation: Follow [LEE]
- g. AB 2014 (Tran—Out of state property)
TEXCOM bill [TONG]
- h. SB 1215 (Harman-Professional Fiduciaries)
Recommendation: Support, with
Our amendments [LAWSON, MATULICH, GREEN]
- i. SB 483 (Kuehl-Medi-Cal DRA Implementation)
Recommendation: Follow [STERN]

(5) Conservatorship Working Group

- a. AB 1880 (Tranh-Conservatorship- recovery bond) [COREY]
Recommendation: OPPOSE-(subject to modification)
- b. AB 2247 (Spitzer-conservatorship investments) [STERN]
TEXCOM BILL: Support [REPORT ON BILL-NEED TO PLAN
NEW ITERATION]
- c. SB 800 (Corbett-Conservatorships-JC Task Force) [LODISE]
Recommendation: OPPOSE UNLESS AMENDED

III. CONSERVATORSHIP WORKING GROUP (5 minutes) [COREY]
See Item 3, Legislation.

IV. INCOME/TRANSFER TAX (10 minutes) [JAECH]
A. Circular 230
B. Other Reports

V. LITIGATION (15 minutes) [ZABRONSKY]
Attorney Fee Shifting—Proposed action recommended



VI. TECHNOLOGY (5 minutes) [GAW]
A. E-News
B. Workroom issues
C. Website cleanup and oversight

VII. EDUCATION (5 minutes) [ITO]
A. 2008 Stand Alone programs—2008 programs
a. “Sophisticated Tax and Trust Administration”— 4/25
Report on program
b. “Battling Fiduciaries”—5/30, 6/13
B. Monterey Annual Meeting Programs
C. Roadshow: 11/14/08 – LAX Marriott Hotel
D. SEI: 1/09
E. Your Legal Rights [EHRMAN]

VIII. MEMBERSHIP AND MARKETING (3 minutes) [LAWSON]

IX. NCCUSL (3 minutes) [FITZPATRICK]

X. INCAPACITY COMMITTEE (20 minutes) [LODISE]
[Matulich]

A. Professional Fiduciaries Bureau
B. Bills to Watch: See Item 3, Legislation
C. Probate Code section 1470 (Appointed counsel for the already
Represented) [Beltran-Lee]

D. Uniform National Guardianship and Protective Proceedings
Jurisdiction Act

E. Review and Recommendations of Forms: Judicial Council
Probate and Mental Health Advisory Committee [COREY]

XI. CEB (3 minutes) [GOOD]

XII. QUARTERLY (5 minutes) [ZABRONSKY]

XIII. EDUCATING SENIORS (20 minutes) [SALLUS]

A. Senior Symposium
B. Senior Information Cards
C. Speakers Bureau Update
D. Elder Abuse Education

XIV. CLRC (15 minutes) [HORTON]

A. Restrictions on donative transfers-Report on CLRC meeting
B. Attorney-client privilege after death-Status

Friday Evening – 6pm to 8 pm

*Reception buffet to include salads, entrees, and deserts
Pavilion Terrace*



Saturday, May 3 – 9:00 am Breakfast
Salon Room 1

Breakfast Mini-Meetings:
(Committee chairs are invited to set up a meeting by using the Workroom or just calling members)

Saturday, May 3 – 9:00 am to Noon
Second Working Session

XV. ELECTIVE ADMINISTRATION OF TRUSTS AND ESTATES [BURGER]

Lunch -- 12:00-1:00
Pavilion Terrace

Saturday Afternoon – 1:00 pm to 5:00 pm
DEATH MARCH V, and other afternoon activities.

Hikes: Mariposa Grove; Wawona Meadows; Chilnualna Falls Grade; South Fork
Merced River Tour/Lower Falls



Saturday Evening – 5:30 pm to 9:00 pm
SUGARPINE LOGGING CAMP EVENT

Note: Please gather promptly at 5:30 pm immediately in front of the main entrance to the lodge. A charter bus will shuttle our group the 2 miles from the lodge to the logging camp. The shuttles will return folks in groups beginning at 8 pm and extending until all have returned.

Attire: VERY INFORMAL – Jeans, T-Shirts and plaid lumberjack flannels all encouraged!



Sunday, May 4 –Breakfast 9:00-9:30 pm
Final Working Session - 9:30-12:30
Salon Room 1

XVI. COUNCIL OF DELEGATES (30 minutes) [HENDEN]

XVII. TRUST - ESTATE ADMINISTRATION (35 minutes) [BURGER]

- A. "Large Estate Affidavits" [Henden]
- B. Accounts & Reports
- C. Trustee notification issue (PC 16061.7)
- E. Terms of trust under powers of appointment
- F. Section 16350; Hasso v. Hasso
- G. Review and Recommendations of Forms: Judicial Council
Probate and Mental Health Advisory Committee: Creditor's Claims



XVIII. ESTATE PLANNING (20 minutes)

- A. Formal Will Witness Requirements(see Legislation)
- B. AB 250 Revocable TOD Deeds (see CLRC)
- C. Pet Trust Legislation (see Legislation)
- D. Rule against perpetuities
- E. Statutory Power of Attorney—PC 4462(b), 4264(d), 4457(d)—Conformity of powers issues
- F. Anti-Lapse Statutes—Conflict with Intentional Disinheritance—PC 21110, 21111

[MacDONALD]

[Reggiardo]

[Ito/Schenone]

[SCHENONE]

[GAW]

[HOWARD]

[EHRMAN]

XIX. ETHICS (15 minutes)

- A. RRC Work on 3-100; TEXCOM PC 6068.5 Project
- B. Ethics Guide Status

[LODISE]

XX. NEW BUSINESS

XXI COMING ATTRACTIONS

NEXT TEXCOM MEETING

June 14, 2008

Oakland Airport Hilton



Scroll down to NEXT PAGE for site map and meeting and function locations at Tenaya:

The Friday, and Saturday lunches and the Friday evening reception will take place here in the Pavilion.

The meetings on Friday, Saturday and Sunday will take place here in Salon Room 1

Gather here, directly outside of the hotel main entrance, on Saturday at 5:30 pm to catch the shuttle.

